

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Claims 1-17 are now pending.

Claims 3-7 were rejected under 35 USC 112, second paragraph, as being indefinite. The claims have been reviewed and revised above to obviate the Examiner's rejections. In this regard, claims 3, 4 and 5 have been revised to now depend from claim 1 and claim 2 has been revised to recite more particularly that the shielding means is mounted to the yoke of the motor. New dependent claims 9 and 10 have been added respectively specifying the surface of the yoke adjacent to which the shielding means is disposed.

It is believed that with the amendment presented above, the Examiner's rejection under 35 USC 112, second paragraph, as been fully addressed. Reconsideration and withdrawal of the rejection is solicited.

Original claims 1-4 and 6-8 were rejected under 35 USC 102(b) as being anticipated by Hickmann et al. Further, claim 5 was rejected under 35 USC 103(a) as being unpatentable over Hickmann et al. Applicant respectfully traverses these rejections.

The present invention is directed to a throttle device wherein a brush holder is fitted to a receptacle of a yoke, e.g., between a yoke and a cap. Such a configuration allows electrical power supply to be carried via the cap. This also enables the brush to be fixed by a simple structure and accurately positioned over the yoke.

Conventionally, in such a structure the brush holder is disposed between the yoke and the cap with a clearance between the yoke and the cap and the brush holder. A problem with such an assembly, however, is that abrasion powder can easily enter into a slidable contact portion of the motor.

The present invention solves this problem by providing a shielding means at the driving force transmission means side of the slidable contact portion. The shielding means provided in accordance with the invention prevents abrasion powder produced by the driving force transmission means from entering the slidable contact portion via clearances between the brush holder and the yoke.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1574 (Fed. Cir. 1986). While other references may be used to interpret an allegedly anticipating reference, anticipation must be found in a single reference. See, e.g., Studiengesellschaft Kohle, G.m.b.H. v. Dart Indus., Inc., 726 F.2d 724, 726-27 (Fed. Cir. 1984). The absence of any element of the claim from the cited reference negates anticipation. See, e.g., Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 715 (Fed. Cir. 1984). Anticipation is not shown even if the differences between the claims and the prior art reference are insubstantial and the missing elements could be supplied by the knowledge of one skilled in the art. See, e.g., Structural Rubber Prods., 749 F.2d at 716-17.

The Examiner characterizes Hickmann et al as allegedly disclosing shielding means in the form of a brush holder screwed into the housing in Figure 2. Applicant respectfully traverses this rejection.

Claim 1 has been amended above to recite more specifically that the bush holder is fitted to a receptacle of the yoke and that the shielding mean extends laterally beyond the periphery of the receptacle for the bush holder. In contrast to the invention of claim 1, the brush holder of the device disclosed by Hickmann et al is screwed onto a cap structure thereof. Furthermore, Hickmann does not teach or suggest any shielding means provided (radially) between the slidable contact portion and driving force transmission means. Under the circumstances, the invention claimed is not anticipated by Hickmann nor obvious from Hickmann's disclosure.

With regard to claim 5, Applicant respectfully traverses the Examiner's suggestion that it is "well known" to cover openings with tape and that it would therefore be "obvious" to derive the invention of claim 5 from Hickmann. In Hickmann, a screw is used to attach the brush holder to the cap of the motor structure. There is no disclosure, however, of any "opening" between the threaded screw and the cap and, thus, evidently no reason to apply tape as suggested by the Examiner. It is therefore respectfully submitted that it would be unobvious to apply tape to Hickmann as alleged by the Examiner.

In contrast, the invention proposes to provide a shielding means that extends laterally to shield a clearance (circumferential) between the brush holder structure and the yoke to which it is mounted. There is no teaching in Hickmann of this combination.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,

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